

**REMARKS/ARGUMENTS**

Reconsideration of the application is respectfully requested for the following reasons:

Claim 12 has been deleted. No Claims are added. Accordingly, claims 1-11, and 13-18 remain pending.

Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

**CLAIMS REJECTION -35 U.S.C. § 112, first paragraph**

Claim 12 stands rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Claim 12 is deleted without prejudice.

**CLAIM REJECTION - 35 U.S.C. § 102**

Claims 1-3, 6-9, and 13-18 stand rejected under 35 U.S.C 102(b) as being anticipated by Uglow (US 6,251,770).

This rejection is respectfully traversed on the basis that Uglow '770 does not anticipate the present invention. Claims 1, 8 and 15 recite "said first portion comprises carbon", i.e., the second portion does not comprise carbon. In Uglow '770, as shown in FIG. 8B, the carbon content relates to the dielectric thickness. Uglow '770 discloses "the chemical vapor deposited dielectric material will have varying profile of carbon. In general, substantially "no carbon" is provided at a point 230 when the deposition begins. When the deposited material grows to a thickness that will provide for subsequent etch via hole, the carbon content at a point 232 will

start to increase to a level "C" ... (col. 7, lines 2-8). Further, Uglow '770 also disclose that "the thickness of the dielectric layer increases, carbon is introduced into the deposition chamber such that the deposited material will have more carbon content as a greater thickness is formed." (col. 7, lines 12-16). That is, the carbon content is increased followed by the increase of the dielectric thickness. Therefore, the thicker dielectric has more carbon content than the dielectric with thin thickness. Thus, the carbon content in the thicker dielectric is greater than the thin dielectric in Uglow '770 which differs from the "said first portion comprises carbon" as in instant Claims 1, 8, and 15.

**CLAIM REJECTION - 35 U.S.C. § 103**

Claims 4-5 and 10-11 stand rejected under 35 U.S.C 102(b) as being unpatentable over Uglow (U.S. Patent No. 6,251,770) as above in view of Lee et al (U.S. Patent No. 6,663,973).

This rejection is respectfully traversed. Lee et al '973 discloses that "the plasma variables used to control the physical and chemical nature of the deposited polymer film are excitation power in Watt,...(col. 16, lines 4-13), and "under the same flow rate, increasing power level resulted in thin film of higher dielectric constants,... (col. 16, lines 17-21). The combination of Uglow '770 in view of Lee et al '973 cannot teach the "first portion comprises carbon" and the second portion comprises carbon less than the first portion. Thus, the combination of Uglow '770 in view of Lee et al '973 cannot achieve the present invention, and the rejection of the Examiner is traversed.

**CONCLUSION**

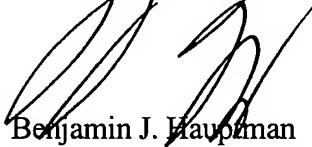
In light of the above amendments and remarks, Applicant respectfully submits that all pending Claims 1-11 and 13-18 as currently presented are in condition for allowance. Accordingly, reconsideration is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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